

REMARKS

By the present communication, claims 1-10 have been amended and new claims 11-20 have been added to more particularly define Applicant's invention. As amended, the claims are supported by the specification and the original claims and add no new matter. For example, support for clause c) in claim 1 is found in the specification at page 1, paragraph 1. Support for new independent claims 11 and 19 is found at paragraphs 10-12. Upon entry of this amendment, claims 1-20 are pending.

In addition, paragraphs 24, 26-29, and 43 of the specification have been amended merely to be consistent with the formal drawings that accompany this response. The amendments to the specification are set forth in Exhibit A "Version with Markings to Show Changes Made".

Regarding the Examiner's objection to the drawings, Applicant submits that the formal drawings filed herewith contain the appropriate cross-hatching. Accordingly, reconsideration and withdrawal of the objection to the drawings are respectfully requested.

A. Objections to the Specification

The Examiner has objected to the specification due to an allegedly mistaken reference to certain labels in Figure 3. Specifically, the Examiner asserts that, referring to Figure 3 (Figure 3A as set forth in the accompanying formal drawings), at page 7, line 4, "11" should be --18--, and at page 7, line 13, "16" should be --13--. However, Applicant submits that reference to the labels "11" and "16" is correct as presented in the specification. Those skilled in the art would acknowledge that "11" correctly refers to the blocking plug which releases toilet flushing when spring 26 presses the entire mechanism back into a state of rest. Likewise, "16" correctly refers to the blocking shutter, which in conjunction with blocking plug 11 blocks

the urine outlet. Accordingly, reconsideration and withdrawal of this objection to the specification are respectfully requested.

The Examiner has objected to the specification as allegedly failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner asserts that there is allegedly no antecedent basis in the specification for the terms "device" (set forth in claim 1, lines 2 and 4), "feature" (set forth in claim 2), and "method" (set forth in claims 9 and 10). With reference to the term "device", Applicant submits that ample support for this term exists throughout the specification (see, e.g., page 4, lines 4-9 and lines 13-19; page 6, lines 10-21; page 7, lines 1-3 and lines 18-22). In addition, when this term is construed in light of the specification, those skilled in the art would readily understand that the device in claim 1 at line 2 refers to the mechanism for opening the urine outlet. Similarly, it is clear that the device in claim 1 at line 4 refers to the mechanism for closing the urine outlet. These two opening and closing mechanisms are described in detail throughout the specification and in the Figures.

With reference to the term "feature", when this term is construed in light of the specification, those skilled in the art would readily understand that this term refers to the mechanism by which the flushing valve is blocked and unblocked. This mechanism is discussed in detail with reference to the figures and throughout the specification (see, e.g., specification, page 6, lines 15-17; page 7, lines 21-22).

With reference to the term "method", Applicant respectfully submits that this refers to the normal operation of the urine separating toilet described throughout the specification, and support for this term exists in the specification (see, e.g., page 1, line 4). Indeed, claims 9 and 10 are simply claims drawn to a method of using the toilet. Thus, the Examiner's objection to the term "method" is respectfully submitted to be improper.

Moreover, with respect to all three terms in question, Applicant submits that the original claims as filed are considered part of the specification. Since the terms in question appear in the original claims as filed, it is respectfully submitted that the issue of "antecedent basis" does not apply, i.e., antecedent basis inherently exists with respect to every term used in the original claims to define the invention, so long as those terms define the invention with a reasonable degree of clarity and precision (see MPEP § 2173.05(e)). In this case, it is respectfully submitted that the terms "device", "feature", and "method" do indeed define the invention with a reasonable degree of clarity and precision.

Accordingly, for all of the reasons set forth above, reconsideration and withdrawal of this objection to the specification are respectfully requested.

B. Objection Under 37 C.F.R. § 1.75 (c)

The objection to claims 3-8 under 37 C.F.R. 1.75 (c) as being in improper form for a multiple dependent claim is rendered moot by the amendments to these claims set forth herein.

C. Rejection Under 35 U.S.C. § 112, first paragraph

The rejection of claims 1, 2, 9, and 10 under 35 U.S.C. 112, first paragraph, as allegedly containing subject matter which was not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, is respectfully traversed. Applicants respectfully disagree with the Examiner's assertion that the specification allegedly does not teach one skilled in the art how to make and/or use the invention commensurate in scope with the claims.

It is well-established that the claims of a patent application are presumptively enabled when the application is filed. Thus, the burden of demonstrating that the entire breadth and scope of the claims is allegedly not enabled falls on the Examiner. In this case, the Examiner has provided no evidence to call into question the enablement of the claims. Accordingly, for

all of the following reasons, it is respectfully submitted that the Examiner has not met the burden of demonstrating non-enablement.

Specifically, with respect to cover "C", Applicants disagree with the Examiner's assertion that the claimed invention is allegedly insufficiently disclosed to enable one skilled to understand the structure of, and cooperation between the elements which comprise the invention. Applicant submits that the Examiner has mischaracterized the invention by asserting that the cover "C" appears to seal blocking hole 12 in both positions. To the contrary, as set in forth in the specification (page 6, lines 9-18), either a weight placed on the toilet seat A or lifting of the toilet seat triggers a series of mechanisms which lift the urine outlet B seal inclusive of cover C. Thus, the urine outlet seal is open, and it is clear that cover C does not seal blocking hole 12.

With respect to the term "snapping" regarding plugs 11 and 18, it is submitted that those skilled in the art readily understand the meaning of this term. Indeed, this term as used in the specification has its ordinary meaning, i.e., "to move swiftly and smartly" (Webster's II New College Dictionary, 2001, Houghton Mifflin Co.). Thus, when triggered by the appropriate mechanism, plugs 11 and 18 "move swiftly and smartly" into blocking holes 12 and 16a, respectively. It is respectfully submitted that the specification fully enables claims 1, 2, 9, and 10. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

D. Rejection Under 35 U.S.C. 102(b)

The rejection of claims 1, 2, 9, and 10 under 35 U.S.C. 102(b) as allegedly being anticipated by Campbell (U.S. Patent No. 526,891), is respectfully traversed. Applicant's invention, as defined by for example by claim 1, distinguishes over Campbell by requiring a device for a urine separating toilet that includes a urine outlet and a faecal outlet for separately collecting and draining faeces and urine, a toilet bowl, and a toilet seat. The device includes:

- a) a device for opening the urine outlet if a user sits down on the toilet, sits down on the toilet seat, or tips the toilet seat backward,
- b) a device for closing the urine outlet if the user rises after the opening of the urine outlet or tips the toilet seat downward, and
- c) a device for flushing the entire toilet bowl when the urine outlet is closed, wherein solids that remain around or upon the closed urine outlet can be transported with flushing water from the urine outlet to the faecal outlet.

Those skilled in the art recognize that the present invention provides for the separation of faeces and urine. Campbell is silent with respect to separation of faeces and urine. In fact, Campbell's device is incapable of separation of faeces and urine, i.e., it is not a device for a urine separating toilet. Instead, Campbell's device merely contains a pan for collection of faeces and urine. In addition, contrary to the present invention, Campbell's device does not provide a mechanism for flushing the entire bowl while preventing the flushing water from entering the urine outlet. Thus, Campbell does not describe each and every element of the claimed invention. Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2, 9, and 10 under 35 U.S.C. 102(b) are respectfully requested.

Moreover, it is respectfully submitted that the rejection does not apply to new independent claims 11 and 19. Applicant's invention, as defined for example, by claim 11, distinguishes over Campbell by requiring a device for a urine separating toilet comprising a urine outlet and a faecal outlet for separately collecting and draining faeces and urine, a toilet bowl, and a toilet seat. The device includes the urine outlet housed hydraulically in front of the faecal outlet, a device for opening the urine outlet if a user sits down on the toilet, sits down on the toilet seat, or tips the toilet seat backward, a device for closing the urine outlet if the user rises after opening of the urine outlet or tips the toilet seat downward, wherein the inner surface of the toilet bowl is equipped with a dirt and water rejecting nano surface layer, and a device for flushing the entire toilet bowl, wherein solids are transported into the faecal outlet with flushing water. Campbell's device does not contain a toilet bowl equipped with a dirt and water rejecting nano surface layer. Thus, Campbell does not anticipate new claim 11.

With respect to new claim 19, Applicant's invention distinguishes over Campbell by requiring device for a urine separating toilet comprising a urine outlet and a faecal outlet for separately collecting and draining of faeces and urine, a toilet bowl, and a toilet seat, said device comprising:

- a) a device for opening the urine outlet if a user sits down on the toilet, sits down on the toilet seat, or tips the toilet seat backward,
- b) a device for closing the urine outlet if the user rises after opening of the urine outlet or tips the toilet seat downward,
- c) a device for flushing the entire toilet bowl, wherein solids are transported into the faecal outlet with flushing water, and
- d) a device for draining the faecal outlet with under-pressure, wherein the drainage can be caused by activating flushing according to c).

It is respectfully submitted that Campbell describes none of the devices required by present claim 19. Instead, Campbell merely describes a pan which collects both faeces and urine. Contrary to the present invention, Campbell provides no mechanism for separating faeces and urine. Thus, Campbell does not anticipate new claim 11.

In re Application of
Ulrich Braun
Application No.: 09/890,113
Filed: July 26, 2001
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PATENT
Attorney Docket No.: VOSS1170

CONCLUSION

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date: April 24, 2003

A handwritten signature in cursive script, reading "Lisa A. Haile".

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Enclosure: Exhibit A

Exhibit A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

[0024] **Figure 1** shows a cross-section [A – B] through the toilet in a preferred embodiment of the device according to the invention. The mechanism is preferably located in the hatched part of the figure, which opens the urine outlet and decouples the toilet flushing mechanism during seating, and re-establishes the state of rest during release. (1) shows a cross-section through the faecal siphon. (6) shows the urine outlet with siphon. [Sections 1 – 4 show the cross-sections of figure 2.]

[0026] [Section 1] **Figure 2A** shows a section through the upper part of the device. [Cutting edge A – B shows the cut of figure 1.] (2) symbolizes the urine outlet, and (3) the faecal outlet.

[0027] [Section 2] **Figure 2B** shows bulging protrusions (3) and (4) of the lateral walls of the device, serving to guide the urine into the urine outlet.

[0028] [Section 3] **Figure 2C** shows even greater bulging protrusions.

[0029] [Section 4] **Figure 2D** shows the protrusions shortly just in front of the urine outlet, which is located deeper. Located deeper than the urine outlet is the flow-off edge of the faecal outlet.

[0043] [Detail A] **Figure 3B** shows details of both blocking mechanisms. Blocking-plugs (11) and (18) can snap into the blocking-holes (16a) and (12). Thereby, both blocking-shutters (13) and (16) become immovable. After the snapping out of blocking-plugs (10) and (17), both blocking-shutters (13) and (16) become movable upward again along their grooves (12a), in which axles (10) and (17) stick.